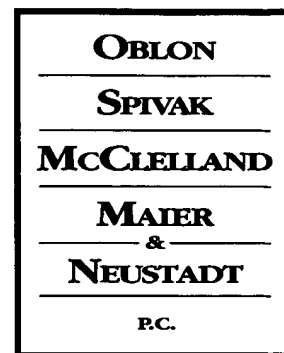




Docket No.: 247968US-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/761,235

Applicants: Kazuhiro SHIMIZU

Filing Date: January 22, 2004

For: SEMICONDUCTOR DEVICE, METHOD OF
MANUFACTURING SEMICONDUCTOR DEVICE,
AND METHOD OF EVALUATING
MANUFACTURING PROCESS OF
SEMICONDUCTOR DEVICE

Group Art Unit: 2811

Examiner: PE, M.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 247968US-2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
KAZUHIRO SHIMIZU : EXAMINER: PE, M.
SERIAL NO.: 10/761,235 :
FILED: JANUARY 22, 2004 : GROUP ART UNIT: 2811
FOR: SEMICONDUCTOR DEVICE, METHOD
OF MANUFACTURING SEMICONDUCTOR
DEVICE, AND METHOD OF
EVALUATING MANUFACTURING
PROCESS OF SEMICONDUCTOR DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction requirement of August 25, 2005, Applicant elects, with traverse, the invention of Group I, Claims 1-11.

Applicant traverses the outstanding Restriction requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a Restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

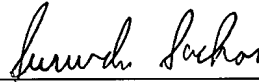
M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Restriction requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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